IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.67113-M of 2006

DATE OF DECISION:06.02.2007

Anil @ Kala .....Petitioner

Versus

State of Haryana .....Respondent

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Shri A.B. Dalal, Advocate
for the petitioner.

Shri Partap Singh, Sr. DAG, Haryana.

Shri Rakesh Nehra, Advocate
for the complainant.

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Petitioner Anil alia Kala apprehending his arrest in a non-bailable offence in case FIR No. 202 dated 24.8.2006 under Sections 325/326 IPC(later on added Section 308 IPC) , registered at Police Station City, Bahadurgarh, District Jhajjar, has filed this petition under Section 438 Cr.P.C. for anticipatory bail.

I have heard counsel for the parties and gone through the contents of the FIR.

Counsel for the petitioner contends that the only allegation against the petitioner is that he pushed the injured, who struck against the body of the truck. Counsel further contends that from the allegations even offence under Section 308 IPC is not made out. It is further case of the petitioner that the complainant side armed with deadly weapons came to the hotel of the petitioner with intention to kill him and subsequently, they lodged the aforesaid FIR against the petitioner.

Counsel for the petitioner further contends that in view of the

order dated 31.10.2006, the petitioner has joined the investigation. This fact has not been disputed by the State Counsel.

Counsel for the complainant could not satisfy the Court as to why three persons on motor cycle came to the hotel of the petitioner.

In view of the above, the interim bail, granted vide order dated 31.10.2006 is made absolute subject to the same terms and conditions.

Disposed of accordingly.

February 06, 2007 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**